

REMARKS/ARGUMENTS

The Office Action of June 28, 2005, has been carefully reviewed and these remarks are responsive thereto. No amendments are made in the present response. Reconsideration and allowance of the instant application are respectfully requested.

The Office Action restricts certain claims as follows:

- Species 1: Claim 9
- Species 2: Claims 10 and 16
- Species 3: Claims 11 and 17

Applicant elects Species 2 with traverse. Applicant respectfully submits that the election of species requirement is improper. In order to restrict claims to different species, the claims must be mutually exclusive. See MPEP § 806.04(f). However, the claims of Species 1, 2, and 3 are not mutually exclusive.

Species 1 indicates that the second player is one of a group of players that have not already received the task. Species 2 indicates that the second player is one of a group of players on a same team as the first player using the mobile terminal. Species 3 indicates that the second player is one of a group of players registered with the task server. These are not mutually exclusive events, but rather are supplemental functional aspects usable together or individually. The species are not alternatives.

For example, a player that has not already received the task (Species 1) may also be on the same team as the first player using the mobile terminal (Species 2). There is no disclosure or statement in the application indicating that a player that has not already received the task (Species 1) cannot be a player on the same team as the first player using the mobile terminal (Species 2). The same holds true with respect to Species 2 as compared to Species 3, as well as with Species 3 as compared to Species 1.

Thus, because the alleged species are not mutually exclusive, as is required by the MPEP in order to require an election of species, the requirement is respectfully traversed.

Appln. No.: 10/017,382
Amendment dated July 21, 2005
Reply to Office Action of June 28, 2005

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and solicit prompt notification of the same. However, if for any reason the examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 21 day of July, 2005

By:


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